

SOL:HWL (98) 42226

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

Elaine L. Chao ¹, Secretary of Labor,
United States Department of Labor

Plaintiff,

V.

VIGILANTES, INC., a Corporation,
and EDGAR PEDROSA, Individually and
as President of VIGILANTES, INC.

Defendants

Civil Action

File No. 98-2244

(JAGG)

CONSENT JUDGMENT

Plaintiff, hereinafter called the Secretary, has filed her complaint. Defendants have filed responsive pleadings denying the allegations and raising legal defenses. The parties have now reached a compromise agreement in which the Defendants have agreed to pay the sum of \$128,000.00 to settle this litigation without further expense to all parties. The Plaintiff is accepting this sum in full satisfaction of all claims which the Plaintiff and all individual employees named by the Plaintiff in this litigation would otherwise have against the Defendants for all matters alleged in the pleadings herein. Without admitting any liability for any of the violations as alleged, the Defendants agree to the entry of the following Consent Judgment provisions:

I. ORDERED, ADJUDGED, AND DECREED that Defendants

¹ Elaine L. Chao is the Secretary of Labor and is substituted for Alexis M. Herman pursuant to F.R.Civ.P. Rule 25(d)(1).

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Vigilantes, Inc, and Edgar Pedrosa, their officers, agents, servants, employees, and all persons acting or claiming to act in their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. Section 201 et seq.), (the Act), in any of the following manners:

(A) Defendants shall not, contrary to Section 7 of the Act, employ any of their employees in any workweek who are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than the hours now, or which in the future become, applicable under Sections 7 and 15(a)(2) of the Act, unless the said employees receive compensation for their employment in excess of the prescribed hours at rates not less than one and one-half times the employees' regular rates.

(B) Defendants shall not fail to make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516.

II. ORDERED, ADJUDGED, AND DECREED that the Defendants be, and hereby are, enjoined and restrained from withholding the payment of \$113,000 (of the \$128,000 being paid in compromise) as

sums due to Plaintiff and to employees named herein as compensation and damages claimed as due pursuant to §§ 7 and 16(c) of the Act to Plaintiff. This amount is to be paid to employees as provided on Exhibit A. Payment of these sums shall be made in monthly installments in accordance with the schedule shown in Exhibit B attached. The first payment of \$60,000.00 shall be made on or before November 15, 2001, followed by payments of \$13,250 on or before December 15, 2001, January 15, 2002, February 15, 2002 and March 15, 2002.

III. The provisions of this order relative to the amounts listed in Exhibit B shall be deemed satisfied when defendants deliver to plaintiff's representatives, Bank of America, U.S. Department of Labor, Wage Hour Division, Box 845229, Dallas, Texas 75284-5229, certified checks in the amounts listed Exhibit B attached, made payable Wage-Hour, U.S. Labor. Plaintiff shall distribute the proceeds of such checks to the employees listed on Exhibit A, or to their estates, if that is necessary.

Neither Defendants nor any one on their behalf shall directly or indirectly solicit or accept the return or refusal of any sums paid as back wages and liquidated damages under this Judgment; and

IV. It is further ORDERED, ADJUDGED AND DECREED that any back wages which cannot be distributed to employees named in this judgment, or to their personal representatives because of inability of either Defendants or Plaintiff to locate the proper persons, or because of such persons' refusal to accept such sums, shall be deposited by the Secretary of Labor in a special deposit account to

be paid to the rightful employee. When recovered wages have not been claimed by the employee within three years, the Secretary of Labor shall deposit them into the United States Treasury as miscellaneous receipts.

Defendants shall make available to Plaintiff the social security number and last known address of each employee or former employee listed in Exhibit A of this judgment.

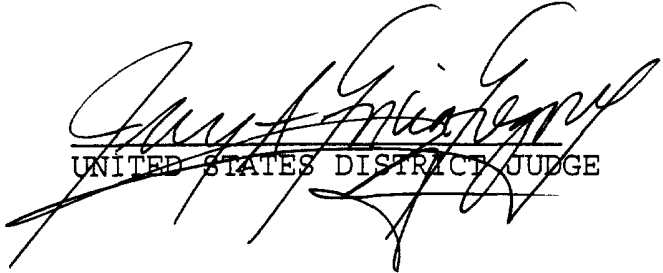
V. It is further ORDERED, ADJUDGED, AND DECREED that, pursuant to section 16(e) of the Act, and in accordance with 29 CFR Parts 578 and 580, the Defendants shall pay a civil money penalty of \$15,000.00 by a check made payable to: Wage Hour Division, U.S. Department of Labor. Defendants shall send such check to Plaintiff at U.S. Department of Labor, Wage Hour Division, The Curtis Center, Suite 850 West, 170 South Independence Mall West, Philadelphia, PA 19106-3317 on or before April 15, 2002; and

VI. It is FURTHER ORDERED, ADJUDGED AND DECREED that neither the commencement of this action nor the provisions of this Consent Judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of Defendants, not named in this litigation, to file any action against Defendants under section 16(b) of the Act to file any claims which are not already barred by the Statute of Limitations; and

VII. It is FURTHER ORDERED, ADJUDGED, AND DECREED that each party shall bear its own fees and other expenses incurred by

such party in connection with this proceeding.

DATED: November 29, 2001


UNITED STATES DISTRICT JUDGE

The parties appeared by counsel
and hereby consent to the entry
of this Judgment.

For Defendant

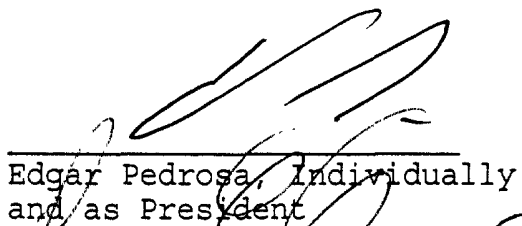
For Plaintiff

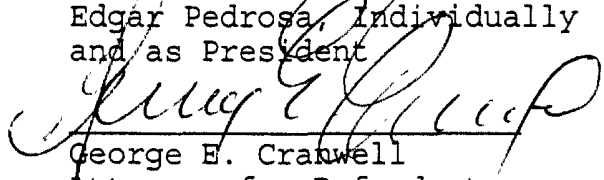
CORP.
SEAL

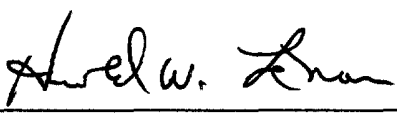
HOWARD RADZELY
Acting Solicitor of Labor

PATRICIA M. RODENHAUSEN
Regional Solicitor

BY:


Edgar Pedrosa, individually
and as President


George E. Cranwell
Attorney for Defendants


Harold W. LeMar
Attorney for Plaintiff

NAME	Backwages	Liquidated Damages	Total
Alejandro Figueroa, Samuel	30	30	60
Alejandro Rivera, Axel Domingo	36	36	72
Alicea Delgado, Luis E.	35	35	70
Amalbert, Luis M	27	27	54
Andino Montes, Cruz	68	68	136
Arias Melo, Juan	2064	2064	4128
Arriaga Rios, Jose	851	851	1702
Arroyo Medina, David	131	131	262
Arroyo Negrón, Felix	85	85	169
Ayala Rodriguez, Juan A.	30	30	59
Ayala Sanchez, Michael	48	48	96
Benitez Santana, Billy Joe	64	64	127
Berrios Gomez, Anastacio	196	196	391
Boralli Rosa, Ruben	307	307	615
Borges Feliciano, Miguel A.	46	46	92
Bravo Quinonez, Mike	56	56	112
Burns Goss, Keith W.	695	695	1391
Buscampert, Edward	69	69	138
Caba Medina, Hector M.	44	44	87
Caban Medina, Hector	51	51	101
Cabanas Olmo, Jose	339	339	678
Camacho Fabre, Miguel A.	1369	1369	2738
Canals, Simon	164	164	328
Candelaria Carrasquillo, Obed	411	411	822
Cantres Velez, Angel M.	97	97	193
Cardona Rodriguez, Israel	110	110	220
Carrasquillo Monserrate, Gary	145	145	290
Carrasquillo Rodriguez, Amado	72	72	143
Carrera Solero, Waldemar	96	96	192
Carrion Melendez, Jesus	61	61	122
Carrion Rivera, Alberto	1087	1087	2175
Castillo Estanislao, Esteban	975	975	1951
Castillo Martinez, Miguel	102	102	204
Castillo Rivera, Luis O.	42	42	83
Centeno Ortiz, Edwin	78	78	155
Chevres Rosado, Antonio	45	45	89
Collazo Soto, Enrique	73	73	146
Collazo, Ramon L.	40	40	81
Colon Caballero, Rafael	151	151	302
Colon, Luis R.	43	43	85
Concepcion Acosta, Candelario	27	27	55

EXHIBIT A

NAME	Backwages	Liquidated Damages	Total
Contreras Negrón, Jorge L.	67	67	134
Cordero Lopez, Anneudy	31	31	63
Cordero Pesquera, Luis	122	122	244
Correa Cruz, Pedro	29	29	57
Correa Ramos, Rafael	85	85	170
Cosme Lozada, Ivan	45	45	91
Covington Mc Queen, Charles	28	28	56
Cruz Ayala, Lorenzo	41	41	82
Cruz Diaz, William	82	82	165
Cruz Montero, Juan A.	54	54	108
Cruz Ocasio, Charlie	397	397	795
Cruz Perez, Moises	68	68	136
Cruz Rivera, Edwin	35	35	70
Cruz Torres, Gilberto	78	78	155
Cuadrado del Valle, Andres	43	43	86
Damon Lozada, David L.	29	29	58
De Jesus Santel, Miguel	42	42	83
De Jesus Santiago, Jose L.	52	52	104
Del Valle Diaz, Antonio	223	223	446
Del Valle Ortiz, Alejandro	32	32	64
Delgado Sanchez, Rafael	67	67	135
Diaz Alicea, Wilfredo	615	615	1230
Diaz Jorge, Angel M.	288	288	576
Echevarria Rodriguez, Benigno	325	325	649
Egipciaco Ruiz, Manuel	128	128	256
Escudero, Agustin	36	36	72
Espada Diaz, Luis	34	34	68
Espinosa Nieves, Angel	334	334	667
Estrella Tosado, Joaquin A.	30	30	59
Fagundo Silva, Norman M.	118	118	235
Falu Febres, Ciprian	29	29	57
Farrer Delgado, Oscar	173	173	345
Felix de Jesus, Luz E.	86	86	173
Fernandez Gonzalez, Agustin	980	980	1959
Figueroa Mendez, Hector	27	27	55
Flores Guzman, Gilbert	38	38	77
Flores Medina, Julio Ramon	147	147	294
Flores Ortiz, Ramon J.	738	738	1476
Flores Rivera, Pablo	403	403	805
Fontanez Arroyo, Freddy	57	57	113
Fontanez Arroyo, Norberto	40	40	80
Garcia Gonzalez, Eugenio	886	886	1772
Garcia Gonzalez, Ruperto	359	359	717
Garcia Ortega, Oscar	215	215	429

EXHIBIT A

NAME	Backwages	Liquidated Damages	Total
Garcia Santos, Claudio David	91	91	182
Giboyeaux Mussenden, Efrain	63	63	125
Godinez Ojeda, Carlos A.	45	45	91
Gomez Lopez, Marta	33	33	67
Gonzalez Aviles, Mildred	30	30	59
Gonzalez Cordero, Ricardo	29	29	58
Gonzalez Cruz, Carlos M.	63	63	126
Gonzalez Estrada, Bernardo	77	77	154
Gonzalez Gonzalez, Padia	41	41	82
Gonzalez Perez, Jorge	36	36	72
Gonzalez Pimentel, Pedro J.	37	37	73
Gonzalez Rivera, Ramon	148	148	295
Gonzalez Rodriguez, Jose M.	30	30	59
Gonzalez Santiago, Johnny	36	36	72
Gonzalez Sotomayor, Carlos J.	33	33	66
Gonzalez Velez, Michael A.	37	37	73
Guzman Avilez, Jose Angel	27	27	54
Guzman Marrero, Felix	44	44	87
Guzman Marrero, Jose A.	50	50	100
Guzman Ramos, Giovanni	40	40	81
Hernandez Rivera, Angel O.	39	39	78
Huertas Valentin, Gualberto	486	486	972
Jimenez Cardenales, Martin	58	58	115
Jovet Melero, Rafael	209	209	417
Jovet Milero, Rafael	29	29	58
Jusino Rodriguez, Jose L.	42	42	84
Laugier Mauleon, Roberto E.	127	127	253
Lebron Perez, Juan	60	60	121
Liceaga Hernandez, Manuel	390	390	781
Llanes Rodriguez, Yamill	117	117	234
Lopez Figueroa, Jose	231	231	461
Lopez Ocasio, Wilfredo	200	200	400
Lopez Oquendo, Rafael L.	30	30	59
Lopez Parrilla, Samuel	66	66	132
Lopez Rivera, Alejandrina	87	87	174
Lopez Rolon, Javier E.	39	39	78
Lopez Rubio, Nicasio	139	139	278
Lopez Torres, Oscar	3622	3622	7244
Lopez Torres, Gerardo	44	44	88
Lugo Ramos, Angel I.	27	27	55
Lugo Torres, Edgardo	209	209	417
Maldonado Alcazar, Magbis	92	92	183
Maldonado Rosado, Reinaldo	1668	1668	3335
Martin, Jose A.	33	33	67

EXHIBIT A

NAME	Backwages	Liquidated Damages	Total
Martinez Otero, Arturo	121	121	243
Martinez Rivera, Pablo	306	306	612
Martinez Rosado, Wilfredo	961	961	1921
Martinez Torres, Edwin	27	27	55
Mass Echevarria, Felipe	49	49	97
Medina Diaz, Carlos	27	27	55
Medina Medina, Carlos E.	85	85	170
Melendez Narvaez, Jairan	315	315	630
Mieses Rosario, Luis J.	79	79	158
Mojica Villanueva, Fred Wilson	27	27	54
Molina Torres, German	30	30	60
Monell Diaz, Jose A.	169	169	339
Monell Ortiz, Jose A.	256	256	511
Montanez Pedraza, Pedro	197	197	395
Morales Guerrero, Juan F.	353	353	705
Morin Garcia, Evan W.	65	65	129
Motta Guadalupe, Juan J.	145	145	290
Munoz Figueroa, Jose A.	51	51	102
Nebot Salas, Edgar	33	33	67
Negron Cortes, Luis M.	3601	3601	7202
Negron Flores, Wilfrido	67	67	134
Negron Surrentini, Roberto	39	39	78
Nieves Perez, Harry	470	470	939
Nin Colon, Eric	431	431	862
Ocasio Feliciano, Pedro	109	109	218
Ocasio Mendez, Pedro E.	46	46	93
Olivo Martinez, Abelardo	81	81	162
Ortega Gotay, Jose	96	96	192
Ortiz Caraballo, Jose M.	1483	1483	2965
Ortiz Irizarry, Porfirio	35	35	70
Ortiz Jimenez, Dawin	55	55	110
Ortiz Martinez, Jose R.	94	94	189
Ortiz Moya, Rolando	308	308	617
Otero Tirado, Victor	128	128	257
Pabon Matias, Pedro L.	96	96	192
Pabon Rosario, Tony J.	60	60	121
Pacheco Claudio, D.	71	71	141
Paduani, Jorge R.	89	89	179
Pagan Martinez, Luis G.	88	88	176
Paniagua Benitez, Luis	50	50	100
Pantojas, Jose	43	43	85
Pena Diaz, Ariel	71	71	141
Pena Diaz, Miguel A.	154	154	307
Perez Cedeno, Jose	44	44	88

EXHIBIT A

NAME	Backwages	Liquidated Damages	Total
Perez Perez, Manuel	287	287	574
Perez Rodriguez, Carlos	223	223	445
Perez Ruiz, Roberto	312	312	624
Quiles Ramos, Pedro	53	53	106
Quiles Santana, Angel G.	53	53	106
Ramirez Concepcion, Eladio L.	46	46	92
Ramos Gonzalez, David	60	60	121
Ramos Montero, Julio	98	98	195
Ramos Oquendo, Nestor	1131	1131	2261
Ramos Tanon, Rafael	213	213	426
Reyes Arrieta, Jose	223	223	446
Rivera Andino, Arismenio	45	45	89
Rivera Figueroa, Juan L.	27	27	54
Rivera Garcia, Victor M.	46	46	92
Rivera Gonzalez, Hector	119	119	237
Rivera Melendez, Francisco	37	37	74
Rivera Nieves, Angel L.	176	176	353
Rivera Rivera, William	36	36	72
Rivera Ruiz, Braulio	40	40	80
Rivera Sanchez, Ismael	37	37	74
Rivera Santiago, Julio	341	341	683
Rivera Serrano, Roy	110	110	220
Robles Colon, Alexis G.	74	74	149
Robles Rosado, Jose M.	69	69	138
Rodriguez Carrasquillo, Juan	33	33	67
Rodriguez Escribano, Vicente	35	35	69
Rodriguez Hale, Jesus	43	43	85
Rodriguez Quintana, Afelio	66	66	132
Rodriguez Rivera, Melvin	31	31	61
Rojas Ramos, Edwin	389	389	779
Roman Perez, Ramon	43	43	85
Rosa Bonilla, Jorge L.	73	73	146
Rosa Ramos, Carlos	98	98	196
Rosa Rodriguez, Placido	37	37	74
Rosario Gutierrez, Noel	32	32	64
Rosario Santiago, Raymond	36	36	72
Ruiz Gonzalez, Raul	34	34	68
Ruiz Miranda, Miguel A.	70	70	140
Ruiz Pagan, Ivan	182	182	364
Sala Rivera, Juan A.	88	88	177
Salabarria Serrano, Jose A.	51	51	101
Saldana Alamo, Jesus M.	119	119	238
Sambolin Ayala, Felipe	123	123	246
Sanchez Rodriguez, Victor M.	952	952	1904

EXHIBIT A

NAME	Backwages	Liquidated Damages	Total
Sanchez Maldonado, Eduardo	28	28	56
Santos Hernandez, Rene	29	29	57
Santos Rodriguez, Jorge Luis	44	44	87
Santos Santos, Luis	1204	1204	2408
Serrano Allen, Angel	61	61	122
Serrano Alverio, Angel L.	67	67	135
Serrano Lopez, Juan F.	614	614	1228
Siberon Echevarria, Jorge L.	1385	1385	2769
Sola Rivera, Juan	44	44	88
Tapia Cancel, Carmelo	60	60	120
Thompson Oropeza, Richard	29	29	57
Tirado Perez, Edgar	29	29	57
Tirado Rivera, William	37	37	73
Torres Lebron, Luis R.	213	213	426
Torres Lopez, Oscar	41	41	82
Torres Ramos, Ruben	1552	1552	3103
Torres Santana, Luis R.	2281	2281	4562
Urbina Santos, Jorge A.	226	226	452
Valazquez Velazquez, Saul	41	41	82
Valdez Abreu, Eugenio	202	202	403
Valencia Nazario, Ruben	49	49	98
Vazquez Mundo, Victor C.	71	71	141
Vazquez Rojas, Carlos	55	55	110
Vazquez Vazquez, Bienvenido	219	219	438
Vega Aponte, Jaime	169	169	339
Vega Ortiz, Jesus	539	539	1078
Velazquez Velazquez, Saul	174	174	347
Velez Garcia, Heriberto	328	328	657
Velez Morales, Ferdinand	37	37	74
Velez Rodriguez, Jose L.	591	591	1182
Velez Rosario, Ismael	241	241	482
Viera Carrasquillo, Ruben	91	91	181
Villanueva Mateo, Diego	123	123	247
Villanueva Villanueva, Flavia	97	97	193
Yales Herbert, Francis	764	764	1529
Zayas Munoz, Lee D.	51	51	102
Totals	56500	56500	\$113,000

EXHIBIT A

Payment #	to be paid on or before	Amount
1	November 15, 2001	\$ 60,000
2	December 15, 2001	13,250
3	January 15, 2002	13,250
4	February 15, 2002	13,250
5	March 15, 2002	13,250
Total		\$113,000

EXHIBIT B

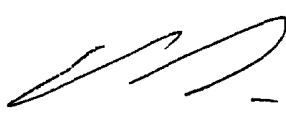
RESOLVED, that the corporation, VIGILANTES, INC., hereby ratifies and confirms the compromise offer made to Elaine L. Chao, Secretary of Labor, with respect to the alleged violations of the Fair Labor Standards Act of 1938, as amended, and that the said corporation consents to the entry of the Consent Order in an action which has been filed by ALEXIS M. HERMAN, Secretary of Labor, against the corporation and the officers of the corporation be, and they hereby are, authorized to do and perform all acts and things necessary to effectuate the provisions of said Consent Order.

The undersigned, Patricia Pedrosa, secretary of VIGILANTES, INC., hereby certifies that the foregoing is a true copy of a resolution adopted by the Board of Directors at a meeting of said Board on November 7, 2001. The undersigned further certifies that EDGAR PEDROSA whose signature appears below is President of said corporation and that he has duly been authorized by said resolution to execute the aforementioned consent to the entry of said Consent Order on behalf of the Corporation.



SECRETARY

CORP.
SEAL



EDGAR PEDROSA
President

COMMONWEALTH OF PUERTO RICO)

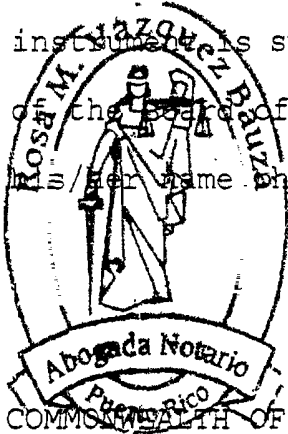
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Affidavit No. 1264

LOCALITY OF *Guaynabo, Puerto Rico*)

On the *12* day of *November* 2001 before me came (*Edgar Pedrosa*) *depo*
Patricia Pedrosa, to me known, who, being by me duly sworn, did
depose and say that

is the Secretary of VIGILANTES, INC., the corporation described in
and which executed the foregoing instrument; that he/she knows the
seal of the said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by order
of the Board of Directors of said corporation; and that he signed
his/her name thereto by like order.



Rosa M. Vázquez Bauzá
NOTARY PUBLIC

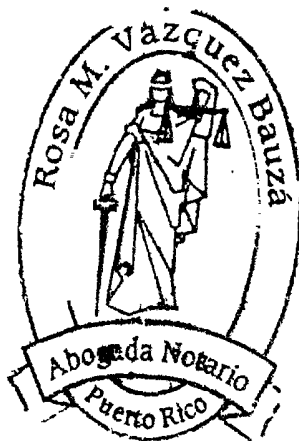
COMMONWEALTH OF PUERTO RICO)

:SS:

Affidavit No. 1265

LOCALITY OF *San Juan, Puerto Rico*)

On the *12* day of *November* 2001 before me personally appeared EDGAR
PEDROSA to me known and known to me to be the individual described
in and who executed the foregoing instrument and he duly
acknowledged to me that he executed the same.



Rosa M. Vázquez Bauzá
NOTARY PUBLIC